

CHAPTER 1

THE U.N. PERSPECTIVE

(A.) THE U.N. ROLE

The U.N. is moribund. This was the message of the early eighties. Some held a wake. Some celebrated. Others were more cautious. While admitting the patient was sick, they held a vigil over the sick bed and worked to restore health to their middle-aged patient.

By the late eighties, the U.N. had miraculously revived. Afghanistan, Angola, Cambodia, Iran-Iraq, Namibia: in one regional conflict after another, the U.N. was generally credited with playing an important role in reducing the tensions and arriving at partial solutions. Not that the U.N. played the major role. Nor could that role have been played without dramatic changes in the positions and postures of the U.S.A. and the U.S.S.R. But the U.N. was acknowledged as an important, independent player in international diplomacy.¹

In 1990, the U.N. moved from an important to a major player. For the first time since it was formed, the Security Council began to play the role conceived for it by its founders. Saddam Hussein's invasion of Kuwait provided the catalyst, and the end of the Cold War allowed the original mandate to be reborn. The fact is the U.N. has had more lives than the legendary cat. Pronounced dead over and over again, somehow the U.N. refuses to die. Whether out of necessity or out of determination, the U.N. plays a critical role in the international system, for both good and bad.

This volume takes up the story of the first major test of the U.N. in its infancy. The U.N. failed that test, and with that failure, the hopes of many in the creative role of the U.N. died as well.

"The international machinery failed. The following pages will reveal many of the reasons for this failure, reasons largely born of power politics,

¹Sometimes the acknowledgement is so slight as to amount to a slight. For example, Charles Freeman Jr., who was principal Deputy Assistant Secretary of State for African Affairs in the U.S. Government from the Spring of 1986 to the Spring of 1989, wrote an account of "The Angola/Namibia Accords" in Foreign Affairs (Summer, 1989, pp. 126-141) in which the U.S. is not only given the central role in the resolution of that region's problems (with the U.S.S.R. as a behind-the-scenes partner), but the U.N. is accorded only a last minute walk-in role in the final scene with no lines of its own. In Freeman's account, the U.N. served only an implementation role concerned with the final procedural steps (p. 139).

of jealousy, and of intrigue. As a consequence, the Jews were forced to set up their state by themselves with only the moral authority of the United Nations partition resolution behind them, but with no assistance against armed invasion." [Garcia Granados (1948) Preface vii]

The U.N. failed, but not simply because of power politics and the intrigue of its members. This book will argue that the UN itself failed; it did not calculate with sufficient wisdom and foresight. For example, when Britain asked the UN to offer its advice on the problem of the Mandate, the UN failed to obtain any prior commitment from Britain about how it would use that advice or even that Britain would cooperate in implementing the advice received. As another example, the United Nations Special Committee on Palestine (UNSCOP) underestimated the relevance of the legal factor in justifying the recommendations it made; UNSCOP also underplayed the future role of law and the importance of a UN legal authority in disposing of the question. They overestimated the role America would or could play. The U.N. did not adequately assess the importance of coercive force either as a threat to the peaceful resolution to the conflict or, more importantly, as a necessary ingredient to ensure that it would be resolved without war. Though the major reasons for the failure can be placed on the member states, the irresponsibility of Great Britain and the irresolution of the U.S., the U.N. itself has a major share in the responsibility for its own failure. The analysis of the U.N. role in the partition of Palestine provides a relief against which the current crisis following Iraq's invasion of Kuwait can (and should) be viewed.

This volume is not based on a concern with restoring hope or reinforcing pessimistic appraisals, but with analyzing the precise role of the U.N. in the partition of Palestine. The Arab-Zionist conflict seems no nearer a solution 43 years after the U.N. first entered the Palestinian fray. It is too much to expect this analysis to make a contribution to that ultimate resolution. But it may help us understand the role that the U.N. played and failed to play, and, through that understanding, obtain a better grasp of the possible roles for the U.N. in mediating conflicts.

If its role is suited to its capabilities, if the U.N. is not cast as a Christ figure, a resurrected League of Nations to save the world from the scourge of war, as it was in its infancy, but is seen as an important, even

major player, then the U.N. may assist or serve a role in international conflict, particularly those in the Middle East including the Iraq-Kuwait crisis and possibly even the seemingly intractable Arab-Israeli conflict.

(B.) LACK OF ANALYSIS OF THE U.N. ROLE IN THE GENESIS OF THE ARAB-ISRAELI CONFLICT

But has the U.N. role in this most important arena of conflict not been analyzed before? More specifically, since the U.N. was the central focus of the partition debate in 1947-48 leading up to the creation of Israel and the first full-scale Arab-Israeli war, surely a systematic analysis of the U.N. role in ending the British Mandate, in the birth of Israel and in the subsequent war must have already been written.

If it had, an additional analysis from a different perspective at a new time might be appropriate. But in fact a scholarly of the U.N. role has not been written.

A panel at the annual meeting of the American Historical Association in San Francisco in December of 1983² presented papers on the period. In the volume³ resulting from that panel, the editors acknowledged that, "The United Nations dimension of the problem does not form the subject of a separate essay⁴, a point reiterated in the afterward by J.C. Hurewitz. "Missing from the discussion in this book is a systematic analysis of the role of the United Nations in the termination of the mandate."⁵

There is no evidence of a systematic study of this specific period from a U.N. perspective. A few memoirs (Garcia-Granados, 1948; Lie, 1954; de

²The panel consisted of scholars covering the British (Wm. Roger Louis), American (Peter Grose), Soviet (Oles M. Smolawsky), Zionist (Michael J. Cohen), and Arab (Waled Khalidi) dimensions of the 1945-1948 period leading up to the creation of the State of Israel on May 14, 1948.

³The End of the Palestine Mandate, eds. Wm. Roger Louis and Robert W. Stookey, Austin: University of Texas Press, 1986.

⁴ibid, p. ix.

⁵ibid, p. 146.

Azcarate, 1961; Urquart, 1987)⁶ give personal accounts of the period, while other volumes provide an overview of the whole conflict at the U.N. (Mezerik, (ed.), 1967; Nuseibah, 1981; Howley, 1975)⁷ or an overview of the U.N. role in mediating conflicts (Forsythe, 1968; UNITAR, 1970; Russell, 1976)⁸. The Institute of Palestine Studies has published its analysis of the Partition Process (1967)⁹. Only Jacob Robinson (1947)¹⁰ published a very early and very important detailed analysis of the steps in the U.N. leading us to the partition resolution. This is scanty coverage when compared to the voluminous writings examining the American, British, Zionist and Arab roles and their interaction. None of those studies specifically provides a systematic analysis of the U.N. role in the termination of the British Mandate, a study that is particularly relevant and made easier in light of all the recent state-based scholarship.

The selective list of those publications (listing only books and excluding a much larger list of articles) provides a perspective on the asymmetry of the material as well as a summary list of references without which an analysis of the U.N. perspective could not be attempted.

On the American role, aside from extensive memoirs (Crum, 1947; McDonald, 1951; the Forrestal Diaries, 1951; Phillips, 1952; Truman, 1956; Jessup, 1974)¹¹ and biographies (On Truman alone -- Daniels, 1950; Steinberg, 1962; Truman, M., 1973; Donovan, 1977 and Farrell 1980 -- as well as others such as on Marshall, 1987)¹² as well as the publications of the documents of the period in the Foreign Relations of the United States series, we find numerous scholarly studies of both the American government role (Hurewitz,

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1969; Wilson, 1979; Bain, 1979; Cohen, 1982 and Tschirgi, 1983)¹³ and that of the American Jewish lobby (Snetsinger, 1974; Ganin, 1979; Grose, 1983; Spiegel, 1985; Rubenberg, 1986)¹⁴.

Similarly, the British role has been recounted in numerous memoirs (Crossman, 1947; Atlee, 1962; Montgomery, 1958; and Kirkbride, 1956; 1976)¹⁵, in the biography of Ernest Bevin by Alan Bullock (1983)¹⁶, and in a number of scholarly studies (Hurevitz, 1950; Zasloff, 1976; Wasserstein, 1978; Cohen, 1982; Abadi, 1982)¹⁷ but most importantly by Wm. Roger Louis' authoritative studies, The British Empire in the Middle East (1984)¹⁸ in addition to the volume already mentioned The End of The Palestine Mandate (1986)¹⁹ edited with Robert Stookey, discussing the issue from all angles but the U.N. one.

Memoirs from the Zionist perspective are even more numerous (Weizmann, 1949; 1968; Begin, 1951; Elath, 1974, 1976, 1979, 1982; Goldmann, 1969; Ben Gurion, 1971; Meir, 1975; Eban, 1977; Danin, 1987)²⁰. The biographies of Ben-Gurion (Kurzman, 1983; Teveth, 1985)²¹ and Israeli Documents (Dec. 1947-May 1948) are available. Aside from the general studies of Zionism as an ideology and movement (Hertzberg, 1959; Halpern, 1961; Lacqueur, 1972; Avineri, 1984; Rubinstein, 1984 and Avishai, 1985)²² and general histories (Sachar, 1976)²³ we

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have Horowitz's (1953)²⁴ early study, Michael Cohen's scholarly examination (1982)²⁵ and Flapan's (1987)²⁶ critically revisionist views of the Zionist perspective on partition published in English, supplemented by numerous studies published only in Hebrew.

The Arab role, in addition to a large number of studies in Arabic, include memoirs (Abdallah, 1950; 1954; Glubb, 1957; Turki, 1972)²⁷ and a biography of Musa Alami (1969)²⁸, as well as the various publications of the Arab Higher Committee for Palestine [including: A Collection of Official Documents Relating to the Palestine Question Submitted to the General Assembly of the U.N. (1947), The Palestine Arab Case (1947); The Great Betrayal in the U.N. (1948), Why the Arabs Entered Palestine (1948)]²⁹. Articles in the Journal of Palestine Studies supplement this documentation. The Middle East Journal has also published extensively in this area. We also have a number of scholarly studies (Kadi, 1966; Jayigh,, 1966; Kimche, 1970; Khalidi, 1971; Aruri, 1972; Zindaw, 1973; Quandt, Fuad and Lesch, 1973; Faddah, 1974; Kerr, 1975; Jineidini, 1976; Kayyali, 1976; Ben Dor, 1979; Migdal, 1980; Al-Hout, 1981; and Rubin, 1981)³⁰ with some studies focusing on the Arab-Zionist conflict per se (Peretz, 1958; Kurzman, 1970; Sinai and Sinai, 1972; Flapan, 1979; Peters, 1984; Ovendale, 1984; Caplan, 1986; Morris, 1988)³¹.

(C.) THE U.N. AS A TOOL OF SOVEREIGN STATES

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The assertion that a systematic analysis of the role of the U.N. is important assumes that the U.N. is an independent player. There are at least two other interpretations of the U.N. role -- it is merely an agent of the collective will of its members or it is just the instrument of its most powerful members. In the latter case, the issue of the role of the U.N. merely requires an analysis of the motives, interests, actions, goals, strategies, etc. of the great powers to determine the U.N. course of action or at least, how the will of the majority was thwarted. Was the U.N. only an instrument of the collective will of the sovereign states who made up its membership, particularly the sovereign will of the major powers who constituted the Security Council?

The U.N. is nothing like a government. It has no sovereignty or power of sovereign decision-making. It is an association of independent, sovereign states which depends for its effectiveness on the capacity of its members to agree and to cooperate, and on the ingenuity and dedication with which the Secretariat interprets and carries out their wishes.³²

Since the capacity of governments to cooperate was quite limited, so was the effectiveness of the U.N. according to Urquart.

But that was not how "the constituency of the highest good", as Brian Urquart referred to the elite of international mandarins, saw the matter when the U.N. took on the question of Palestine in a special session of the General Assembly called in April of 1947. Quite the opposite. Rather than viewing the UN as an instrument of very little effectiveness and no independent role separate from that of its member states,

In 1947 we were naively optimistic as to what could be done about this most complex and tragic of historical dilemmas, where two ancient peoples were in an unequal but deadly competition for a small but infinitely significant piece of territory, a struggle made critical by Hitler's annihilation of the Jews of Europe on the one hand and the emergence of Arab nationalism on the other. Britain must be enabled to relinquish the Mandate of Palestine with dignity. The Jewish refugees from World War II must be allowed to settle. The Palestinians' interests and rights must be protected.

³²Brian Urquart, A Life in Peace and War (New York: Harper and Row, Publishers, 1987) p. 108.

A plan must be found to accommodate the conflicting rights and demands of Arabs and Jews. The international community, through the United Nations, must restore peace and execute the plan. In our innocence, none of these things seemed to us impossible.³³

This is one explanation for the absence of a systematic analysis. The U.N. was an infant whose influence and moral authority stemmed from desperate hope rather than years of proven experience. The U.N. took on a problem that involved itself, on the one hand, in the first steps of dismantling the largest empire the world has ever known, the British Empire, and, on the other hand, in settling Jewish refugees who refused to be repatriated to their European countries of origin, and, for most of whom, Palestine was their only reservoir of hope³⁴. The U.N. took on the problem of getting a wounded giant to lie down and, at the same time, allow individual remnants of the Holocaust to stand up again and live with dignity. If this was not enough, the conflict involved two intense nationalisms struggling for sovereign control of a small territory with great emotional and historical significance -- not just to the immediate parties to the dispute but to the whole world.

If a story of an inexperienced innocent, when it lacked any independent sovereign power or authority to exact its will and when it was confronted with

³³Urquart, Op. cit., p. 113.

³⁴It was not quite true that Palestine was the reservoir of hope for most Jews in the camps in Europe, at least in 1946. Peter Grose noted in his study, Israel in the Mind of America (1985) and in his terse summary in his essay in the Louis-Stookey collection, The End of the Palestine Mandate (1986), that a certain American relief worker informed Truman's White House advisor, David Niles, (cf. the Niles papers, Brandeis University, Waltham, Mass, N.S. 195) that Earl G. Harrison, who wrote the famous report on Jewish refugees in Europe that so influenced Truman, "could not have substantiated his belief that Palestine was the sincere choice of the mass of Jewish survivors." (p. 42, 1986) There were contending forces in the camps, the anti-Zionist Socialist bloc, for one, who called for a return to homes in Poland. Joseph J. Schwartz, the European director of the Joint Distribution Committee, a non-Zionist organization dealing with Jewish refugees, was assigned to accompany Harrison. Schwartz, not by accident, was a committed Zionist. Not by accident, those who articulated their views to Harrison wanted to go to Palestine. However, the increasing oppression in Eastern Europe, the renewal of programs in Poland and the failure of states to resettle many of the Jews meant that by 1947 Palestine had become the only hope for the vast majority of the Jews in the camps.

one of the most complex intractable problems, is not sufficient to explain the failure of the UN and the lack of a need for any detailed analysis of its role, the circumstances in which the U.N. took up the issue were not propitious either.

The U.N. was created in a world and at a time when Hitler's attempt to create a great German empire had been defeated, when the British and French Empires were in the first stages of dissolution to leave a number of sovereign states as their legacy, when the Soviet empire was in the process of consolidating its empire and the Americans had not yet decided which imperial system outraged it the most as it spread its own economic hegemony. As a byproduct of the defeated Nazi failure to create an empire and the Soviet initial successes, individuals were cast adrift who lacked the protection of any sovereign state. Foremost among those refugees were the Jews, who lacked any national homeland.³⁵

In one corner were the Jewish refugees allied with their saviours, the Zionists, with the promise of a homeland in Palestine. In the other corner were the Palestinian Arabs, intent on keeping the Jews out supported by Arab sovereign states struggling to assert their own nascent identities as nation states in the twentieth century. In the self-interest of Great Britain, the United Kingdom lined up with Arab interests but not with Arab nationalism. The United States entered the arena concerned with the refugees, antithetical to political empires and sympathetic to nascent nationalism. It ended up

³⁵They were far from the largest group in absolute numbers. For example, there were 11-12 million Oestdeutsch, Germans from Eastern Europe, repatriated to Germany after the war. They had a homeland. The number of Jews was relatively small. At the time of the Anglo-American Committee of Inquiry, in November of 1945, there were 100,000 Jews in refugee camps in Europe. By the beginning of 1947, the numbers had swollen to one quarter million, an increase facilitated by the Soviet Union allowing Jews to enter the Western zones of Germany and Austria in spite of their own objection in principle to both emigration and Zionism. In Oles M. Smolarsky's interpretation, the U.S.S.R. was motivated to create problems for the West which had not seen fit to allow the Soviet Union to participate in the resolution of the Palestine problem. (c.f. Smolarsky, 1986, p. 65; see also Yaacov Rozi, Soviet Decision Making in Practice: the U.S.S.R. and Israel, 1947-1954 New Brunswick, New Jersey: Transaction Books, 1980, p. 16). The Jewish refugees were not foremost because of their numbers. The Jews were foremost because of the horrors of the Holocaust that had destroyed one-third of Jewry and because, unlike other nationalities, the Jews lacked a homeland to which they could flee.

assuming the British mantel, but in the corner of the Zionists.

The UN was cast into this cauldron of conflicting passions, interests and rights. In retrospect it appears like a case of sacrificing an infant international organization to the monster of competing nationalisms and world powers.

(D.) THE U.N. AS AN INDEPENDENT ACTOR

Though the U.N. took on the Palestinian problem in a very difficult period, the U.N. did represent a new attempt to work with sovereign states to develop an independent source of power, authority and influence which went beyond the wills of individual sovereign states. It may be the case that it was not able to realize its independence during this infant period because of the powers of sovereign states, but this does not mean it lacked the elements of independence even though it was not a sovereign state. If the U.K. resisted this independence and effectively thwarted it, there was still an independence to be thwarted. If the U.S. tried to manipulate that will at times in one direction and at times in another, and often failed, there was an independent will subject to be influenced. But if there was an independent will, why didn't it express itself, given the obstinacy of the British and its inability to force a concerted line of action with the Americans and given the wild fluctuations in U.S. policy? Why was the U.N. not able to forge ahead in a creative way given the divisions among and within each of the great powers? Perhaps the vision of an independent will was just that -- a dream -- with no basis in reality. But an analysis -- not speculation -- is needed to answer that question.

We must first ask what characteristics constitute an independent player in the international realm. Three criterion generally characterize such independence: an ability to bring force to bear on the issue in question, a legal justification for the player to involve itself in the issue which gives it authority, and some source of moral or material influence. All three may be present or only one of them. The U.N. qualified as an independent player on all three grounds.

On the Palestinian issue, the U.N. was unable and unwilling to use force or even to threaten to use force to implement its decisions, but potentially it could have used force. More importantly, as the U.N. became involved in

the dispute, an assumption was made by many members that the U.N. could and would use force to implement its decisions with respect to the future of Palestine. That the U.N. did not resort to the use of force does not diminish the fact that military force was a possible tool at its disposal.

Further, there was an argument that the U.N., as the successor to the League of Nations, had a legal standing on the issue, though the nature of that legal role was in dispute. Literally, right up to the midnight hour in the Middle East on May 14th, the U.N. attempted to ensure that the legal standing devolved into a legal authority to determine the governance of Palestine after the termination of the Mandate. The attempt would fail; the U.N. was unable to establish its legal authority in Palestine. The potential to translate a legal standing into a real authority, just like the potential to use force, was never actualized. On the other hand, a great deal of effort was expended enhancing both.

But the most important expression of the U.N.'s independent status was its primary asset as a moral influence, its inheritance as the repository of the hopes of mankind in the post World War II period. This moral authority gave the U.N. an independent diplomatic role separate from its potential to use force and any legal status it had in this area. We shall see that it was this moral authority that was most wastefully and tragically squandered in the first great test case.

That the U.N. failed is undeniable. Why it failed is another question.

One answer is that the U.N. had neither the power, authority or influence to do the job. As I have stated (and as I shall attempt to document) this is not what I found to be the case. The U.N. had the potential to use military power; it did not. Potentially, it had a legal standing; the U.N. lost that standing. But most of all, it had a moral authority. Was that moral authority simply inadequate given the irreconcilable differences of the Arabs and Jews? Could that moral influence have been translated into authority for the U.N. and allowed the energies of its executive officers to be better focussed and directed?

Was the U.N. naive in thinking it could do what the largest empire in the history of the world had failed to do -- reconcile Jewish and Arab interests in Palestine? Did the U.N. know the risks were high? Were they

impossible?³⁶ Was the U.N. constitutionally incapable of accomplishing the task in the first place? Or, if it was capable of solving some problems, was this one just too complex and intractable for such a weak and inexperienced body? These latter questions suggest innocence, structural weakness, and objectively difficult goals -- all elements beyond the control of the U.N. But did the U.N. itself -- not just its individual members -- make errors that destroyed whatever slim hope there might have been of avoiding a war between the Jews and Arabs in Palestine? Further, did the U.N. exacerbate the problem in the process?

All these questions argue for a systematic study of the dissolution of the British Mandate over Palestine from the perspective of the United Nations.

(E.) THE POSSIBILITY OF AND NEED FOR A SYSTEMATIC STUDY

Is such a systematic study possible? Numerous scholarly accounts (already cited) have been written of the roles of the major players -- Britain, the United States, the Zionists and the Arabs. Wouldn't a synthesis of the results of all those studies, using a more neutral angle of vision, provide that systematic study? And then what could it say? That the U.N. started with good intentions when it took on the problem. That the U.N. was abandoned by the British, made dizzy by the zig zag diplomacy of the Americans, propelled in one direction only by Soviet singlemindedness, incapacitated by Arab intransigence and driven crazy by Zionist hectoring and lobbying.

The studies of the roles of the major players indicates, at the very least, that the story would not be so simple since none of the roles assumed by the major players was so simple. Secondly, since the U.N. was a prime arena where the players took their positions in the drama terminating the

³⁶Edward Buehrig (correctly I believe) suggests that the U.N. knew the stakes were high, though Buehrig also believed the stakes were impossible for the U.N. to overcome. "The partition resolution -- suggestive of a peace treaty without a war -- was an ambitious attempt to subject international politics to peaceful change. The stakes were high. The outcome, whether success or failure, was bound to have repercussions on the U.N.'s future. As it turned out, the confrontation of two peoples claiming the same homeland was no more amenable to the discipline of the United Nations than to that of Great Britain." "The U.N., the U.S. and Palestine", Middle East Journal 33:4, 1979.

British Mandate, the U.N. might indeed provide the best angle of vision to assess their independent roles.

Thirdly, although the Americans, British, Arabs and Zionists were the major players, representatives of smaller powers constituted UNSCOP -- the United Nations Special Committee on Palestine -- which was set up by the special session called in April 1947. It was UNSCOP's report back to the Fall session of the U.N. that led to the partition resolution. Further, two thirds of the votes of U.N. members were required to carry that resolution. Once passed, once the British abdicated and the Americans started to backtrack, it was the inability of the Americans to carry with them the smaller countries that doomed any reversal.

Thus, a systematic study of the role of the U.N. requires considering the roles of the major players from a different angle of vision centred in New York, rather than in Washington, London, Tel Aviv or Cairo. Secondly, though centred in New York, the periphery extends far beyond these major centres to take in the roles of other states from Australia to Uruguay.

But it is not simply a matter of a new perspective and more players. There are also different issues. If one focusses on the British role, there is a concern with defining Britain's real interest in referring the problem to the U.N. What were British expectations? Did Britain intend to hand the problem over to the U.N. to solve, or did Britain simply want to show the U.N. was no more capable of reaching a conclusion than Britain, and would have to call on the British to bail them out? From the U.N. perspective, the issue becomes why the U.N. took on the problem and under what terms and conditions? What did U.N. officials and delegates know about the problem and its difficulties?

The fascination with the American role focuses on how the U.S. came to support partition. Further, why, once the partition resolution was passed, did the U.S. State Department begin the process of undermining partition culminating in the Great Reversal, the March 19th speech proposing a trusteeship? To what extent was President Truman part of that process and to what extent was he tricked by the State Department? From the U.N. perspective, the impact of the shifting U.S. role on the other states must also be examined. Not only must the effect of such a reversal on the military option versus the negotiating option for the Zionists and Arabs be weighed,

but the effect on U.N. morale must also be assessed.

A systematic study of the U.N. role in the termination of the British Mandate in Palestine requires a different angle of vision, a consideration of many more players in the drama and different questions. Some of those questions are simply complements to those asked when the roles of the British, the Americas, the Arabs or the Zionists are considered. But different questions must also be asked, or, even when they are no different, they must be given a different emphasis and form.

For example, the U.N., through the Security Council, was supposed to be an independent force to ensure peace and security. From the U.N. perspective, was the employment of force appropriate or required in this case? Since the British abdicated and the Soviets seemed willing, the answer is said to be simple - the U.S. was unwilling to allow force to be used lest Soviet troops be allowed to enter the Middle East. But we know from the studies of the U.S. role that it was not so simple since consideration was given to employing the forces of states other than the major powers to enforce the decision of the General Assembly. What pressures, if any, were put on the Americans and other members of the Security Council to use its mandate to send in such a force? Were these efforts misplaced?

The potential military role of the U.N. must be examined. So must its legal jurisdiction. This was the major issue for the U.N. To what extent did it have, would it have, a legal role to play? Was the focus on the legal role misdirected?

Even if one ignores the potential military and legal role of the U.N., it did have a diplomatic function. One must analyze how the U.N. performed the diplomatic task. What were the goals U.N. officials set themselves and what methods did they use to accomplish those goals?

To what extent were their actions dictated by a sense of justice, or were they just interested in using the U.N. to further their own national agendas? Was guilt over the Holocaust a major factor, as is widely believed, or were U.N. officials motivated by empire building? Or did they have a real desire to strengthen the U.N. as an independent institution? Were humanitarian goals primary -- perhaps the peace and security of the world rather than justice for the Jews and the Palestinian Arabs?

What motivated the other players at the U.N.? A study of the U.N. role

must necessarily include an examination of the results of the best studies on the role of Zionists, Arabs, British, and Americans. In the case of the Zionists, the issue was whether their goal was simply to obtain a safe homeland to which Jews could move without hindrance or limitation, or was the Zionist goal a state, pure and simple, and the Jewish refugees a convenient tool to achieve that end? Or were both problems in reality inseparable? And if the Zionist's goal was a state, was it the partitioned state or the whole of Palestine?

Were the Arabs, on the other hand, as intransigent as portrayed, or were they open to compromise, but forces and circumstances pushed them into a corner of intransigence? Were they interested only in helping the Palestinians achieve their own control over Palestine or were they privately motivated to obtain control themselves, or, at the very least, prevent their Arab rivals from obtaining control?

We already raised some of the questions about British motives in terms of objectives, but there were other considerations -- the domestic economic crises, the need for military bases, the desire to foster good will with the Arab States given British oil interests in the Middle East. Similarly, in the case of the Americans, one can ask not only what different weights are to be given to the various concerns in propelling American policy, but the humanitarian and altruistic motives of Americans must also be factored into the equation.

But the future can only be understood through the past. The U.N. did not arise ex nihilo. It had a predecessor, the League of Nations. It was the League of Nations which awarded Britain the Mandate over Palestine, sanctioned the Balfour Declaration and the principle of using Palestine as a homeland for the Jews. In the conflict between two nations struggling to establish their political identities in the same territory, the League of Nations faced the political issue of immigration but the U.N. had to deal with the more desperate humanitarian issue of refugees.

Further, in the conflict between two nations struggling to establish their political identities in the same territory, was assymetric. One nation sought a territorial base and a state to protect its members and give expression to its national identity. Another nation which constituted a majority of the indigenous population was in the process of developing its

national identity. Further, both attempted to acquire sovereign control over the territory in a context of Great Power domination governed by the fickle requirements of national self-interest. In another contextual level there was the creation and development of international bodies to mediate and ameliorate those conflicts in the case of the U.N., protect the rights of individuals who are the victims and cast-offs of such conflicts. It is clear that behind the conflict of the role of international agencies and sovereign states, behind the conflict between competing nationalities, behind the conflict between the sovereignty of the state and the rights of individuals there is a much more fundamental issue rooted in the very nature of the nation-state itself.

(F.) REFUGEES AND THE POLITICAL THEORY OF THE NATION-STATE

The political order of the modern world is made up of nation-states. A primary function of a modern state is to protect the rights of individuals.³⁷ When a state does not or cannot protect that individual, and the individual flees the territorial jurisdiction of a state without prior arrangements with another state to act as his or her protector, that individual becomes a refugee.

The political order of the modern world is made up of nation-states -- not just states, but states consisting of dominant nationalities and minorities. The state exists not only to protect the rights of individuals but to express and protect the spirit of its predominant nationality -- or nationalities in multinational states.³⁸

Refugees are created when the state is unable or unwilling to protect individuals who are members of the state and may, in fact, become the source of greatest threat to the individuals. States which have a collectivist ideology are extremely prone to such persecution and to neglecting the protection of individual rights. But liberal states, particularly ones with a strong collectivist factor in their own national destiny, may also persecute individuals who are found or who find themselves outside the national factor. Refugees are also produced when the state, in its zeal to express the will of

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a dominant national group, fails to protect or actively persecutes members of minority nationalities. If the state expresses the national aspirations of a dominant group at the expense of a minority nationality, not only will the expression of the national sense of the minority be threatened, but the rights of individuals may be as well.

Refugees who are the product of the latter type of conflict generally flee en masse. Refugees who flee because they are losers in an ideological conflict about the identity of the state and the role of individuals within it, and who fear persecution or, at least, the loss of the opportunity to express their beliefs, may be termed ideological refugees. The United Empire Loyalists who fled the United States following the American War of Independence were ideological refugees. So too were the million or more Russians who fled Russia when the Bolsheviks were victorious in 1917. In some cases (Afghanistan today) they flee to set up bases from which they can return as victors in the ideological conflict.

In spite of the example of 5 million Afghan refugees -- the largest single group of refugees -- most refugees are the product of the conflict over the right of one nationality to prevail within the jurisdiction of a state. When the dominant nationality insists on exclusive predominance, then minorities quickly become refugees. This was true of the Armenian refugees after the First World War. This was true of the large exchange of Greek and Turkish nationals following the war between Greece and Turkey in the 1920's, even though many of the Greek nationals in Turkey no longer spoke Greek and vice versa. Over 10 million ethnic Germans were repatriated to Germany following World War II even though many of them had been living for centuries in Eastern Europe.

As long as new territories existed to which the refugees could flee and settle, refugees did not create an international problem. Following the First World War, the opportunities to resettle in "new territories" became very limited just as the rise of national identity and new states led to the creation of more refugees. The two factors, limited opportunities for places to which to flee and more people fleeing, were, in fact, two sides of the same coin -- the development of a system of nation-states that encompassed the

globe.³⁹

(G.) REFUGEES AND THE ROLE OF INTERNATIONAL AGENCIES

The supreme authority and agency responsible for the protection of individuals is the sovereign state. An international authority established to protect refugees cannot challenge the sovereign authority of the state. As long as an international organization obeys that cardinal rule, it can offer some degree of legal defence of the individual and appeal to sovereign states to modify their absolute sovereignty to grant rights to refugees who end up residing within their jurisdictions. The international organization cannot become, however, the primary instrument to guarantee the protection of that individual since all individuals live in territories that are under the jurisdiction of one state or another.

This does not make international agencies helpless. In fact, they have various instruments and means to become effective intervenors. Though international agencies lack coercive power,⁴⁰ they do have the power that creative ideas, good will and a detached non-partisan perspective can bring to a conflict. Though they lack formal jurisdictional legal authority that can overrule the authority of a state, they can obtain some authoritative standing to protect refugees and, at the very least, serve as a moral if not formal authority in advocacy on behalf of refugees. Finally, international agencies, using energy based on creative ideas and determination and moral authority can influence a situation, particularly when backed by states which enable the international agency to offer financial inducements to help deal with a refugee problem.

The international authority can act as a moral conscience to galvanize the efforts of states and individuals around the world to donate to efforts to provide relief and help in the rehabilitation of refugees, and even serve, on an interim basis, to assist in relief.

Given these three functions -- a creative and determined approach to problem solving, legal assistance, and relief and rehabilitation -- an

³⁹from Whalberg book

⁴⁰The attempt of the Security Council to assume a role as a coercive power failed.

international authority is not in a position to provide help which is of indefinite duration. Situations which become perpetual only reinforce an image of impotence and not dynamic creativity. Its legal and financial assistance has to be interim or it risks losing support.⁴¹

An analysis of the U.N. role adds a different perspective, clutters the stage, raises different and complementary issues, examines different motivational factors and completes the picture.

But it also brings into focus a critically important question -- the long term significance of the U.N. involvement in this issue. Typically, the U.N. is widely credited (or blamed, as the case may be) in the public mind (although not among most scholars) with being responsible for the birth of Israel. But it is also blamed for failing to bring about that birth in a peaceful way. Is the U.N. given credit and blame where it is due? A careful study may show that the real significance of U.N. involvement in Palestine is not the extent of its responsibility for the birth of Israel and the tragedy of war. The real significance may well be the pattern set by the U.N. in its involvement in the Arab-Israeli conflict. This would be the case even if we downgrade the U.N. responsibility for the creation of Israel and the conflict that took place. For the U.N. has continued to play a role in the Arab-Israeli conflict primarily through UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East. UNRWA is over 40 years old. It is the largest U.N. agency with over 17,000 employees. My study of the U.N. role in the dissolution of the British Mandate began with my study of UNRWA and my sense that I needed to know much more about the U.N. role in the Arab-Israeli conflict to understand how UNRWA got set up the way it did and what its real purposes and goals were.

In other words, the creation of Israel and the first of the Arab-Israeli wars were the immediate aftermaths of U.N. involvement, but the continuing involvement of the U.N. with Palestinian refugees has been a long-term effect.

⁴¹Deborah Kaplan in The Arab Refugees: An Abnormal Problem (Jerusalem: Rubin Mass, 1959) summarizes very well these restrictions on the role of international agencies. (p. 113) "The basic principles...for the refugees." The United Nations, with the signing of the convention for the protection of refugees was able to go further than the League, but the premises were the same. (p. 127) "The identity of aims requiring protection".

It is necessary to assess the significance of the U.N. role over the long term and not just as a party to the events that took place at the time. For it will help us understand the future role of the U.N. and the manner in which it chose to deal with the issue of Palestinian refugees.

The same issues raised on the question of the Jewish refugees in Europe after World War II would emerge again and again, but were subsequently applied to the Palestinian refugees. Were they to be repatriated or resettled? Was the consent of the state into which they were to be repatriated or resettled required? What choice was open to the refugees? Which organizations were to have jurisdiction and the control of funds for such resettlement or repatriation?

(H.) DILEMMAS AND PARADOXES

Behind these issues are a number of problems that go to the heart of the modern nation-state system. One is central to the nation-state itself which exists both to save individuals and to provide the means for the majority nationality to express its character, an expression which can come at the cost of individual and minority rights. The state is the supreme authority which is vested with the responsibility for protecting individuals which are its members. Yet the state is frequently the greatest threat to the individual. International agencies are then vested with the responsibility of assisting individuals who are victims of the nation-state system, but the international agency cannot infringe on the sovereign power of the nation-state unless that nation-state directly threatens the international power order.

Palestine was a critical case for the nation-state system and the role of an international agency. For the Arab views and Jewish views at the time were fundamentally incompatible. The Arabs insisted on the right of the majority indigenous population in a territory, (that did not yet have the sovereign authority of a state) to control the whole territory and the sovereign authority that would emerge. Further, most refused to even recognize the Jews as a minority nationality. The Jews, who prior to the twentieth century, lacked any territorial base, insisted on being recognized as a nation with a right to a territorial base in their ancient homeland. When they gained minority national status in that territory, they insisted on

the right of their fellow nationals to return to that territory and demanded the creation of a state in that territory which would guarantee the full realization of that nationality.

Into that cauldron of fundamental paradoxes at the root of the nation-state system and incompatible claims of nations in Palestine was tossed the issue of European Jewish refugees. They were not wanted, at that time, by countries of resettlement in the West. The Jewish refugees did not want to return to their countries of origin which had treated them so brutally. They were rejected by the Arabs in Palestine because the influx of Jews threatened Palestinian sovereign goals. The Jewish refugees would only have a place to go if the Jews in Palestine won some degree of sovereign authority.

The issue of the rights of individuals, the rights of nations to self-realization, the conflicts between nations and the rights of refugees to a state which would guarantee them protection, henceforth would be linked with the outcome of the struggle for sovereign control over all or part of the territory which was Palestine. The U.N. could not deal with the Jewish refugee problem until it dealt with sovereignty over the territory of Palestine. The way it handled the latter issue profoundly influenced the way it became involved with the refugees who were the product of that struggle.